

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN INVESTIGATION INTO DIVERSIFIED	)	
OPERATIONS OF LOCAL EXCHANGE	)	ADMINISTRATIVE
TELEPHONE COMPANIES	)	CASE NO. 340

O R D E R

This matter arising upon petition of Logan Telephone Cooperative, Inc. ("Logan Telephone") filed December 20, 1991 pursuant 807 KAR 5:001, Section 7, for confidential protection of Exhibits 1 and 3 of its responses to the Commission's Order of October 25, 1991 on the grounds that disclosure of the information would constitute an invasion of Logan Telephone's corporate privacy and is likely to cause Logan Telephone competitive injury, and it appearing to this Commission as follows:

Exhibits 1 and 3 were filed as part of Logan Telephone's responses to the Commission's Order of October 25, 1991. Exhibit 1 contains journal entries which disclose Logan Telephone's exact dollar investments in Kentucky RSA No. 3 Cellular General Partnership ("Kentucky RSA No. 3"), reflects the exact investment of the subsidiary corporations involved in the purchase of a general partnership interest in the Cumberland Cellular Partnership for Cellular Rural Service Area No. 5, and reflects in exact dollars the projected additional capitalization and subsequent capitalization construction costs for the cellular partnership. Exhibit 3 provides excerpts from the minutes of

Logan Telephone's corporate board meetings, some of which provide the exact amounts invested by Logan Telephone in the subsidiary corporation, the investment in Kentucky RSA No. 3, and the projected capital investment cost to be incurred for construction and operation. The exhibits do not identify what information contained within them Logan Telephone considers sensitive and entitled to protection from disclosure.

The information contained in the exhibits is not known outside of Logan Telephone's business and is known only by its employees who have a business need to know the information. Logan Telephone seeks to preserve and protect the confidentiality of the information by all appropriate means.

Information filed with the Commission is required by KRS 61.872(1) to be available for public inspection unless specifically exempted by statute. Exemptions from inspection are provided in KRS 61.878(1). That section lists 10 categories of information which may be protected as confidential. To obtain confidential protection of information filed with the Commission, the Commission has promulgated 807 KAR 5:001, Section 7. That regulation establishes procedures which must be followed in order to establish that information is entitled to protection from public disclosure. One requirement provided in subsection (2)(a)(2) is that the material sought to be protected must be clearly identified. The petition filed by Logan Telephone does not identify the material sought to be protected and therefore is insufficient.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

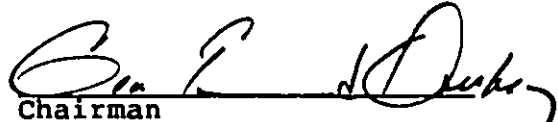
1. The petition to protect as confidential Exhibits 1 and 3 filed by Logan Telephone in response to the Commission's Order of October 25, 1991 be and is hereby denied.

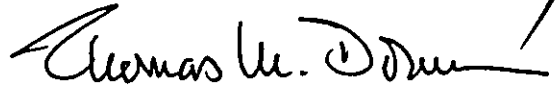
2. Exhibits 1 and 3 shall be held and retained by this Commission as confidential and shall not be open for public inspection for a period of 20 days from the date of this Order during which Logan Telephone shall be allowed to file a petition in conformity with the requirements of 807 KAR 5:001, Section 7.


3. If at the expiration of the 20-day period a petition has not been filed, the exhibits shall, without further Orders herein, be placed in the public record.

Done at Frankfort, Kentucky, this 31st day of January, 1992.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director